

# Changes in Land Policy: How Fundamental Are They

Mason Gaffney

## From Growth To Exclusion: A Fundamental Tipping of the Scales

The last 25 years have witnessed a fundamental change in state and local land policy, reflecting a revolutionary change in attitudes towards immigration and growth. Local governments used to compete to attract people; now it seems to exclude them. In the battle of boosters versus knockers, the knockers have won going away.

We have had low density policies with us always, but in the past they were different. King George III, for example, wanted to reserve the lands west of the Appalachian crest for the Indians, but he really didn't care about preserving their low density way of life. His idea was to keep English colonists in the East and under better control. Alexander Hamilton soon revived the same idea after the revolution and his expressed motive was to keep cheap labor in the east. In those days people wanted to have cheap labor around. George III's containment policies lost out, as you know, to the revolutionaries and Hamilton's containment policies lost out to the Jeffersonians. Since then there have been successive waves of both containment and expansion forces at work. The expansionists have always won out more than they lost—until now. But our generation has seen the greatest proliferation of exclusionary selective and containing land policies ever to exist in North America. We see this in many ways and aspects which I will itemize.

Mason Gaffney is the director of the British Columbia Institute for Economic Policy Analysis, Victoria, Canada.

Now it means someone who would develop it for a higher use, as often as not. Twenty years ago I wrote a dissertation on the subject of land speculation and after scanning the literature on the subject, had to conclude that the only consistent meaning of speculator is a land owner whom you don't like. In the old days people didn't like owners who withheld lands, so they called them speculators. Today the don't like owners who develop land.

Witness the evolution of arguments made to justify the private collection of rent, (many of you may never get into such discussions, but at various times it becomes a hot subject). Defenders of the private collection of rent used to say that socializing rent would remove incentive to put land to the best use; now, however, the argument most commonly heard against taxing land values is the opposite, namely that it creates too much incentive to put land to its best use. This indeed is what preferential assessment of farm land is all about, is it not?

Accordingly, if we read carefully the so called anti-speculation laws as for instance, in the State of Vermont or the Province of Ontario, we note that they are punitive and anti-developmental in their spirit and their impact.

In passing, note that the people are right who argue that taxes on land values tend to push land into a higher use. This is sometimes overlooked by people who have their eyes fixed on a lower use and see heavy fixed charges on land driving out the lower use. Such charges, whether they be privately collected rent or publicly collected taxes,

serve the function of driving out lower uses in order to reallocate the land to higher uses. This point is sometimes missed even by economists who should know better. Some of these in seeking to explain the decay of central cities have alleged that it was high rents that drove industry away. In general that does not make much sense. It is somewhat akin to the story of the man who said, "Let's all go to Smitty's for dinner" and his friend replied, "No one goes to Smitty's anymore, it's too crowded."

### Provincial and State Zoning and Exclusion

Municipalities of exclusionary bent have been around a long time. The exclusionary minded state and province are something new. Some states, to be sure—New York and Massachusetts come to mind—have made gestures towards preempting the zoning power of local governments when this was used in an excessively exclusionary way. The stronger movement, however, has been towards anti-growth policies by states and provinces. Florida, Oregon and Vermont are conspicuous examples.

In Canada, British Columbia is an outstanding example, one that I have had a chance to observe more closely, so I will discuss it. The exclusionary policy of British Columbia has to do with public policy discouraging the conversion of farmland to urban uses. The policy is above and beyond mere preferential assessment of farmland, to be treated later. British Columbia has that too, and has had for many years. The newer device is exclusive agricultural zoning, imposed by the province, on a province-wide basis. It is administered by a provincial commission, the B.C. Land Commission, from the top down. The Commission classifies land as agricultural and places it in what is called the Agricultural Land Reserve or more familiarly the ALR. By this straightforward device, a great deal of land with speculative potential has been effectively withdrawn from consideration for urbanization in the immediate future.

The Land Commission Act enjoys fairly strong support. It originated in 1972-73 when the New Democratic Party first came to power, over loud protests. It was unusual in at least two respects. One was its wide coverage, as it is province-wide. The other was the decision to allow no compensation for the loss of development rights. Actually,

as one thinks about it, the imposition of low density zoning is not normally accompanied by compensation, so this is not as unusual as its critics may have made it out to be. At any rate in the 1975 election campaign, the leader of the New Democratic Party, Premier David Barrett, seemed to sense that the Land Commission Act was among his more popular measures and campaigned on it as a major achievement. He may have been wrong for he did lose the election resoundingly, but on the other hand, the newly triumphant Social Credit Party (or Socreds) did not indicate a disposition to repeal it and so far they haven't. It would appear to have a measure of bipartisan support.

At the same time, one must observe that a high degree of uncertainty prevails about the future of this ALR. Land which is in it and zoned exclusively agricultural is still being bought and sold at developmental prices. It seems that the market does not altogether believe that this zoning will hold.

Meantime, ALR zoning did succeed in stopping the development of further sprawl. It also forced up urban real estate prices to incredibly high levels. These high values with the pressure which they brought towards intensive development might have stimulated infilling and redevelopment of the urban areas—recall the story of Smitty's restaurant. But, a decentralist campaign was launched against further development of the central cities in the lower mainland particularly, and there was a strengthening at the local level of a variety of exclusionary devices, such as impost fees charged for new developments. It was not merely sprawl that was made more difficult, it was building and development in all areas.

The result presented the anomaly of a government which sometimes called itself "Socialist"—the New Democrats are an amalgam of Socialists and New World Populists and like most political parties present a mixed and sometimes confusing personality—a Socialist government creating an artificial scarcity of land choking off building and raising property values and rents to the great distress of the landless laboring classes.

Who am I to hold a political party to a standard of perfection? Even God required six days to create heaven and earth beginning from primordial chaos and that is a pretty good description of the urban sprawl that pre-existed 1972. The policy

did succeed in containing further sprawl—well, sort of, but you remember the old joke that ends “and the politician proudly said, but who created chaos.” The actual location of ALR lands was not based on containing sprawl, except incidentally. Rather it was based on a Canada Land Inventory classification of agricultural land, a classification conducted by agriculturally oriented soilsmen without much regard for urban alternatives. Thus, good farmland near in, whose best use might be urban cannot be urbanized, while bad farmland, far out, may be, even though it shouldn’t be. Nothing whatever has been done about the fundamental problem of utility rate structures, so that utilities can and must still run their lines anywhere anyone chooses to settle and charge common province-wide rates. And so we still get sprawl.

Of course there is nothing in this kind of legislation either, to clean up old sprawl or encourage infilling. On the contrary, it gives grandfather-clause monopoly protection to ancient and honorable sprawl and assures its perpetuation. Worst of all, by creating the illusion that something constructive is being done, it pre-empts the field and discourages other actions that might be more effective.

On an international basis, the policy has also encouraged a great deal of sprawl from British Columbia spilling over to the State of Washington, where land is much more available.

As a land planning device therefore, the ALR does not get the highest mark. It is not, in that sense, a “fundamental” change, but it is successful and it is fundamental in another sense. That is, it has been successful in retarding the growth of population.

Was this just stumbling and bumbling by a green raw cabinet as alleged? In my opinion, people generally get what they really want, regardless of what they say they want. Exclusive agricultural zoning in rural British Columbia coupled with low density zoning and heavy impost fees in urban British Columbia have worked together and quite consistency. Ergo, this is probably what was really wanted.

I’ve lived in many places and I’ve lived in few or none where people didn’t think they had something very special and the world would flood in and overwhelm them if you gave it half a chance. But when you say this to people in British Columbia, hoping thereby to encourage a little objectivity

by getting them to laugh at themselves, the answer is “Yes, but British Columbia is different, here it’s really true.” “Socialism” in British Columbia was a device to use the power of government for the purpose of excluding immigrants and increasing the value of property.

I’ve recently been working over some figures from the B.C. Assessment Authority which has placed a 100% market value on all the taxable real estate in British Columbia. In the Vancouver Assessment Area (which means basically, the City of Vancouver) total value of land alone, without buildings is 10.7 billion dollars. The mean value per parcel is 115 thousand dollars. The top ten per cent of the owners, measured by value, own 73% of the total value of land. The top one per cent own 62%. As a ballpark estimate, the value of land in Vancouver doubled from 1972-1975. It would be hard to argue that a policy that contributed to the doubling of value of an asset is closely held and so large in relation to the government’s welfare budget and other equalizing devices, was a step in the direction of the egalitarian ideals sometimes associated with the word socialism.

In fairness, one must record that the members of the Land Commission vigorously deny that their zoning activities had anything to do with this increase in urban values, which they believe would have occurred anyway. I don’t know anyone else who agrees with them—certainly I do not, but no doubt other factors were involved as well, and we will never know just how much of the increase they were responsible for.

A secondary objective of the legislation was to punish evil men called land speculators. They were evil because they made money—or were they? when we analyze it, the punitive spirit has not been directed at making money as such, for some five billion dollars has been made by the doubling. If land values in Vancouver, without that being called evil. No, the animus was directed against the evil of intensifying the use of land and increasing the capacity of British Columbia to absorb immigrants. This is the unpardonable sin.

It is not my intention to seem sarcastic or critical. As will come out later, the province may have legitimate reasons for wanting to exclude people. My purpose rather, is simply to brush aside the cloak of conventional cant and hypocrisy to get a handle on what was really done and for

what reason. After that, we can better come to grips with it.

### *Preferential Assessment of Farmland*

More common than exclusive agricultural zoning is the preferential assessment of farmland. The Maryland legislature started it back in 1956 and doggedly pushed it through in spite of vetoes by Governor McKeldin and a declaration of unconstitutionality by the Maryland Supreme Court. Prominent among the proponents was one Spiro Agnew and I am tempted to think of this as his contribution to American culture, but he was not alone, for California came along in 1957 and so did several other states. I, false prophet that I was, confidently said at the time it wouldn't fly. My exact words were to the effect that anything that cannot bear analysis will do better under the table than over it. This was in reference to the fact that preferential assessment of farmland had been occurring under the table for many years before these laws were passed and indeed, the laws were only necessary because of the assessment reforms which were beginning to undermine the de facto underassessment of farmland which had long been practiced. Preferential assessment of farmland spread from state to state and has enjoyed wide popular support. British Columbia joined the parade sometime ago.

Preferential assessment is a pretty fundamental change in the philosophy of land taxation. It makes the part of the property tax that falls on land a penalty tax on growth. For example, land near Vancouver which is farmed is assessed at 3 or 4 per cent of its market value compared to 50 per cent which is the normal assessment ratio. That means it's being assessed at 6 to 8 per cent of what it should be. Now let someone convert the use from agricultural to commercial or residential and Socko! The land assessment rises 10 or 20 times. The effect of course is to slow down the conversion of land to more intensive uses. As I indicated before, I think people usually get what they really want, and I am inclined to think that is the objective. Other alleged reasons are probably just so much noise, however, we will consider them in the next section.

### *Other*

There are numerous other devices for stopping growth and excluding immigrants. A moratorium

on sewer construction can be very effective, as the Washington Sanitary and Sewer Commission has demonstrated over the last four years. Impost fees are an effective device as British Columbia has shown. Indeed, almost any sovereign power which has been delegated to a local government can be used in an exclusionary way and many of them are. Rather than catalogue them all, let us just note that they are numerous and move on.

### **Reasons For The Reversal of Attitudes**

Dozens of reasons are advanced why there is a growing hostility towards immigration and population growth. Only a few of these hold water, but they hold a lot. The ones that make sense are primarily environmental and fiscal.

### *Environmental Reasons*

People have always valued their environment and resisted invasions of it. The sheepman and the cattlemen didn't like each other and the cattlemen didn't like the sodbusters and the wheatfarmers didn't like the irrigators. Yet, the attempt to force exclusionary policies lost out. What now, has changed? Or is all this environmental talk just hypocrisy, hatred of man masquerading as love of nature, as I once thought?

*Higher per capita wealth and income* is certainly a factor. Cleanliness is next to affluence, more affluent people can afford to sacrifice profit for amenities. It has always been the higher income suburbs that zoned out commerce and industry while the blue collar suburbs competed to attract them. Now we simply have more high income suburbs.

*An enormous change* which has not received nearly the weight it is due, is the technological multiplier of personal offensiveness. Modern capital-intensive recreational technology particularly has multiplied by an enormous factor what we may call the "offensiveness-efficiency" of normal human behavior. When we look at the evolution of technology in this light the only kind of personal offensiveness that technology has abated much in the last thirty or forty years is body odor, replacing it with stale tobacco

smoke. As to other factors, I'm reminded of the parent whose juvenile delinquent son was sent on a trip around the world. A friend inquired, "Will travel improve his behavior?" "No," said the parent, "but it will spread it over a wider territory."

People don't need much space for the true pleasures of life: reading, writing, walking, swimming, hiking, gardening, jogging, cycling, conversing and so on. What truly require inordinate areas are motoring, golfing, hunting, flying, skiing, all-terrain vehicles (shudder), snow-mobiles, motorcycles, rock and roll bands with p. a. systems, portable radios, power mowers, noise making of all kinds. Equally demanding of space, although less numerous, are those who demand huge wilderness areas with few people in them to get away from the personal offensiveness of the technologically efficient polluters.

A homesite on a noisy street drops in value and cannot qualify for mortgage loans. A house on a quiet cul-de-sac commands a large premium. Everyone hopes that his neighbours or the police will take care of these matters and few people like to talk about it, much less do anything about it, but the market betrays the evidence. People really are bugged not so much by other people, but by the modern machines which magnify their thoughtlessness or, in the case of disturbed males of a certain age, undoubtedly their intentional offensiveness. Things that we used to be able just to laugh about or gossip about have become major economic factors.

*There is a decline of traditional social controls* with a corresponding rise of irresponsible behavior. The phenomenon is obvious to one and all. There are solutions, but they are generally labor-intensive solutions which involve policing and counselling and the development and support of local authority figures, like clergymen and teachers. Anything labor-intensive has gone out of style in the last generation. The trendy thing has been to substitute land and capital for labor in almost all circumstances. In terms of social control, that means to arrange land settlement patterns in such a way as to eliminate problems by neighborhood segregation and regional segregation. Keep the pests out of our neighborhood and then out of our state and our country. All this involves exclusionary policies and enormous increased consumption of land and capital necessary to develop land at low density.

### *Fiscal Causes*

*Rising expectations for public services.* Immigrants to a neighborhood, city or state are no longer as a rule, aliens from Europe or Asia. They are native citizens from way back, they have high standards in terms of public services, frequently higher than those of old settlers. They are likely to be sold on the value of generous public support of education. Lower income people who used to drop out of school early now demand much, much more schooling than ever before even up to the junior college level. Marion Clawson and Harvey Perloff in their book, *Modernizing Urban Land Policy*, said on page 224 that consistency with the reforms of the Warren Court called for equal opportunity in access to land, for housing particularly. So they saw coming a decline in exclusionary policies. With great respect for the authors and a sharing of their ideals, I suggest a more pessimistic interpretation. Exclusionary land policy can be used to substitute for other kinds of discrimination and is so used. The fact that newcomers can vote, can claim all kinds of legal rights and public services, and make it stick, increases the motivation of old settlers to keep new settlers out. Human experience is not marked always by consistency, but by compensatory devices.

*High federal personal taxes.* The federal Treasury now relates to individuals as their net exploiter. Alfred Marshall distinguished what he called onerous from beneficial taxes. Onerous taxes were those in excess of public benefits received, while beneficial taxes were matched by equal public benefits (I don't know why he didn't have a third class of taxes which were less than public benefits received, but you can draw your own conclusions about that).

When persons move into a region, a big share of their income goes off to Washington or Ottawa. After the Feds have extracted the cream, of course, this reduces what the traffic will bear for local taxes.

Of course, the federal Treasury returns subsidies to localities. Note however, these do not go to individuals as such, but to local governments as such. Thus local governments get revenues without necessarily having people. The feds are inclined to grant subventions for capital-intensive things: sewers (that's where most of that so-called pollution

control money goes), water supply in part, highways, hospitals, suburban housing. All local public works, of course are subsidized by the federal exemption of the income of state and local bonds from taxation in the United States. Thus the Feds help the locals bear the high capital costs of low density sprawl.

Most of these capital-intensive facilities render "services to property and not to people." A great point is made currently that property taxes should not pay for services to people, but only services to property. The fact is, on a large scale, people pay for services to property via the federal budget, but little is said about this. Ironically, it is considered "liberal" and egalitarian to set up fiscal matters in this way.

If I were a landless orphan, blinking my eyes at the wonders of this world set up by others, for others, I would wonder at the justice of a system which levied a payroll tax on what I earn and income tax on my salary, to make capital grants to municipalities which borrow the sovereign power of the state to zone land in such a way as to prevent my living there. I would wonder at the values of the people who said that I was a net fiscal liability who was not carrying my weight. Be that as it may, that is the way local governments do regard the immigration of landless orphans by and large and the result is a growth of exclusionary local policies.

Compare the present fiscal situation with that existing just after World War II. At that time in the United States there was the G. I. bill. A veteran moving into a locality received in addition to the gratitude of his new neighbors for services rendered, a substantial federal subsidy which attached to him as an individual. He could carry it around from place to place, he could get loans for housing and tuition for education. In addition of course, he was about to become a regular tax payer and would not be producing school children for a few years at least. Immigrants under that arrangement were much easier to accept than they are under present arrangements.

#### *Federal Subsidies to Urban Sprawl*

We have had a generation of subsidies to housing for the low-middle class, we have apartments being built for tax shelters, we have enormous federal subsidies for highways. All of this has made housing expansive and intrusive. It has

come to saturate the absorptive capacity and the tolerance of local governments in a way that probably never occurred before.

#### *Increased Suburbanization and Balkanization*

Owing to the proliferation of suburbs and the growth of each one, metropolitan decisions are now divided into fractions. Everyone may recognize that there are advantages to urban scale, but everyone wants the advantages without the disadvantages and has a chance to get them. The suburbs borrow their scale from the central city to which they have occasional access when needed. No one wants the dirt and the garbage, and no one gets the exclusive benefit from creating economies of urban scale. Suburbs easily fall for the fallacy of composition: if low density is good for us, it is good for everybody.

#### *Increasing Cross-Subsidy of Low Density Settlers by High Density Settlers*

The urban world is increasingly dependent on public utilities. Access to land is no longer enough; the land has to be sewerred and watered. It must have telephone service, power lines, probably natural gas and so on. In low density areas the volume of service per mile of line is much lower than high density areas and the costs in low density correspondingly higher. And yet the rates charged are usually uniform, in fact, they frequently favor the low density areas, because of quantity discounts based on the volume per meter.

Since the high density areas subsidize the low density areas, the natural thing is to become a low density area if you can. This factor undoubtedly increases the attractiveness of exclusionary policies.

At the same time, this factor makes central cities unwilling to let low density suburbs latch onto them. This is quite a reversal from the roaring twenties, when cities were so anxious to grow they carried all sorts of capital costs for land developers. But now, without quite knowing why, central cities are getting the feeling they have been had and the result is a spasm, not always rational, of anti-growthmanship.

This leaves us then with four basic causes for the growth of exclusionary policies. Environmental, fiscal, particularistic and responsive to the incentive created by cross-subsidies.

## Other Reasons

Now let's take a look at some other reasons which I believe do not bear analysis or carry so much weight.

### *Reduced Regional Rivalry for Representation*

History records several races for Regional dominance in the legislature by attracting population. Has this motive disappeared? On the contrary, re-apportionment now occurs faster than it used to and the government passes out more largesse than it used to. In fact, this may prove the undoing of the exclusionary movement.

### *The Population Control Movement*

To relate this to exclusionary zoning is pure romancing. Exclusion is not the route to zero population. It is a zero-sum game. Here we are back at the fallacy of composition, or over generalizing from sub-systems. There really are people who talk as though if you reduce the density on my block you will reduce it everywhere. There are also people who say that if we keep apprentices out of my union local and raise my wages we will raise wages everywhere. If you think about it, excluding people from my block must raise density everywhere else, or at least somewhere else.

In terms of solving the problem of population pressure on the earth, exclusionary policies are very expensive. All the gains of exclusion are off-set by losses elsewhere, but all losses are real losses. These losses (or costs) are the enormous capital and resource requirements of low density settlement.

### *Alleged Reduced Influence*

There may indeed be some increase in local democracy, but the influence of big land owners is not dead. It is alive and well under the rock and is merely exerted in a different way. Land controls are now used to hold down land assessment and taxes until that time when the collectivity of land owners is ready to sell out to higher density users.

### *Aid to Poor Small Farmers*

There has been a good deal of rhetoric about widows driven from their homes engulfed by high-

powered alien sub-dividers, their families disrupted, forced sales of old homesteads, dislocation, unemployment, etc. The above verbiage is all found in a dissenting opinion filed in Maryland in 1960 when the State Supreme Court declared the original preferential assessment act in violation of the state constitution.

I have put together some data from the computer bank of the B.C. Assessment Authority on the concentration of ownership of different classes of property in the several assessment areas in the province. Here is the Richmond-Delta assessment area, a part of the Vancouver urban fringe. The Gini ratio for farms is 0.70, for industrial 0.63, for residential 0.32. The only kinds of real estate more concentrated than farmland are commercial and exempt.

The mean value of farm real estate can only be estimated since these farm assessments are based on capitalized farm income rather than market value. Consultation with the assessor, however, suggests \$150,000 as the correct mean value, as compared with \$143,000 for industrial property. These figures, note, apply to land only. Ah ha! you say, but the industrial property has a higher ratio of buildings to land values. True enough that is, but then it's the land value to which the preferential assessment applies. Ranking the farms by size I find that the smallest ones are not very land-intensive at all. Most of the land by a wide margin is held by the top ten per cent and there is where most of the benefit goes. If we want to help that class of property whose mean value is the lowest, then residential and condominium property is the place for relief. If we want to help those farmers whose assets are small, then farm improvements and farm labor are what call for relief, not farm land.

But what about the low income of farmers? A recent presentation by the B.C. Federation of Agriculture to the Commission of Enquiry into Property Taxation presented data on farm income in which part-time farmers were counted as full-time people but only their farm income was counted as income. The whole person went into the denominator but only a fraction of his income went into the numerator. Correcting for this it turned out that per farmer income in B.C. is not lower than urban income at all. I wonder how many other studies contain this obvious flaw? Is it possible that such shoddy data might have gone un-

challenged by professional economists for years? I am afraid it is quite possible. Look at the stuff that was generally accepted alleging to show that the property tax is regressive. All kinds of pap was churned out, complete with the most elementary statistical fallacies. When people are determined to believe something, anything goes, I'm afraid that's the lesson of intellectual history.

### *Preferential Assessment of Farmland*

Is preferential assessment of farmland granted in order to recognize the special land-intensity of farming.

Data collected by economist Allan Manvel for his study for the National Commission on Urban Problems, showed that farmland values were much higher relative to urban values than I had previously thought. The B.C. data I have been referring to suggest quite otherwise in this province. Of course, there is no high degree of accuracy on the land to building ratios indicated near major cities owing to the preferential assessment of land. There is a strong clue to be found, however, by comparing land/building ratios in metropolitan areas versus remote rural areas. Here the finding is quite striking. In the Vancouver assessment area, the percentage of total real estate value which is land value is about 78 per cent —yes, really. But when we get out to remote Trail, it is more like 13 per cent, in Port Alberni around 35 per cent, in Penticton 32 per cent and so on. One should not hasten to conclude, therefore, that preferential land assessment is an acknowledgment of the high land intensity of low income farmers. The facts do not support it. According to my data, if we want to find high land intensity, we should look at real estate activities classified as "commercial." There is another class called acreage which is 99 per cent land value, so commercial does not include purely empty speculative holdings. While we are talking about tax exemptions, it is worth noting that the next most land-intensive class of property is that called "exempt." A stroll around the campuses of any of the province's universities will give you a good idea why.

### *Loss of Scarce Farmland*

It is hard to take this rationale seriously. In the days of the soil bank, the conservation reserve and

so on, it was altogether laughable. Now that such programs are clearly on the wane, it might make a little more sense. But let me record an exchange I had two months ago with the agricultural representative of the B.C. Land Commission, who was defending the Agricultural Land Reserve. It is a terrible thing he said, that farmers are leaving the land. Yes, I agreed. We are losing our capacity to produce food and fibre, he warned. That is bad, I agreed. Warning to our topic and sensing a common interest, I said, let's get more farmers out on the land producing food and fibre. Hold on, he said, that could create problems. Let's intensify the use of land, let's get more out of each acre, let's get more food to the consumer. Stop! he said, are you crazy? That would lower food prices. But, but, but I sputtered, I thought. . . No way! he said, if you lower food prices you will drive all farmers out of agriculture forever, and then where would we be. My objective is to hold this land in reserve for the next century, so we will have something to leave our grandchildren.

I will draw the curtain of charity over what I said or wanted to say in response to that, but it's going to take a fundamental change in the attitudes of farm spokesmen before anybody else can believe they are very serious about the danger of running out of good farmland.

### *To Contain Urban Sprawl*

No, I cannot buy that one, because urban planners are as busy at the centres of cities trying to lower density there as exclusionary suburbanities are at the fringes. One group of planners kicks people out of the cities and the second group forces them back in. The common result is to make things tougher on people who are looking for a place to land. There is no consistent rational of city planning to be observed other than exclusiveness.

### **The Likely Damages From Exclusionary Policies**

#### *Form of Policies*

Exclusionary policies take the form of enforcing low density living and this is expensive. It increases the land and capital and fuel and commuting time costs of life, and reduces the effective levels of



constructive urban linkages and synergism achievable for any given costs.

### *Structural Unemployment*

When areas or jurisdictions stop competing to attract people, and worse when they compete to exclude people, they weaken the quest for payrolls. Now, everyone wants to attract capital intensive industry if any industry. Labor seeking employment is driven from pillar to post. This is especially true of cheap labor. The rate of unemployment of teenage blacks is up around 40 or 50 per cent. Could this have something to do with the fact that so few jurisdictions will encourage the entry of the kind of employers who might offer them jobs?

### *Locational Segregation*

Locational segregation, sorting of people according to wealth and income, is now carried to great extremes in American cities, replacing other social controls. But is it replacing them, or are there simply no social controls over many segments of society, other than police, and often not them? And what about the high economic costs of locational segregation? There is a natural flow of exchange between high and low income people, which is made very difficult by locational segregation.

### *Dividing Society into Classes*

When the value of property rises and remains high, it naturally divides society between those who have and those who do not have property. Always, before now, in North American history, the exuberance of land developers and competing jurisdictions has brought down the value of real estate and blurred the distinction between the haves and have nots. Now, on the other hand, we are in danger of developing a class structure more rigid than anything ever seen before over a long period of time on this continent. A class structure without social controls, leads to divisiveness, crime, hostility, counter-culture, welfare dependency and all other unpleasant things we see burgeoning today.

### *Inefficient Allocation of Land*

Exclusionary policies require planners. Planners are generally allergic to market conditions. If they

have an engineering background, they talk about "requirements," or fixed coefficients of land per person, which are independent of price. Some of them are recreationists, who regard lower economic uses as higher social uses and would sacrifice commerce and industry to parks and wilderness areas. I cannot forecast the results in detail, but I can guarantee you they will be less efficient than anything a free market would come up with.

### *Absentee Ownership*

One of the historical motives for encouraging immigration was to put settlers on land of their own and reduce the number and power of absentee land owners. Excluding immigrants undoubtedly has the opposite effect. If we want land safely in the hands of a passive investor who only wants some security for the future and has no plans to use it, why there are lots of such people, in Germany, Switzerland, Belgium and elsewhere who are happy to oblige given the opportunity. Whether this is the way to create healthy communities, I seriously doubt.

### *Solutions*

Exclusionary policies have an aggregate impact which is quite different from the impact intended by their local sponsors. These impacts in the aggregate are quite damaging as indicated. It behooves us therefore to seek solutions. The nature of the solutions follow quite directly from the analysis of the problem.

### *Fiscal Aspects*

We must simply reverse the fiscal arrangements that create the problem. Instead of levying onerous taxes on individuals the federal government should reduce the tax burden on individuals as such, and replace it by increased taxes on property. I do not mean that the federal government should invade the field of property taxation, currently preempted by provincial, state and local governments, although, constitutionally this could be done if required. However, it should only be necessary to reform the income tax in a variety of ways that have been recommended by many tax reformers

for other reasons anyway. Close the loopholes now available to property and open some for labor.

On the granting side, federal grants should go to persons in the form of social dividends rather than to governments in the forms of shared revenues, capital grants and so on.

States and provinces too, are in the business of granting subventions to local governments. These grants could be changed and allocated to persons instead of governments. For example, California, in response to the Serrano decision, could go to a statewide property tax and distribute school aid in the form of vouchers to school children. Or it could base school support on average daily attendance.

Central governments should reduce or eliminate grants made to local governments as such. Local governments are essentially a collection of local landowners working together to maximize the value of their land. Grants to local governments are essentially grants to landowners, therefore, grants which increase their wealth without requiring them to turn the land to the service of other people. Conceivably a local government might have only one landowner, in which case the situation would be dramatically clear, and in fact, there are such cases. There is a special service district in California, for instance, in the San Francisco Bay area, clothed with the powers and immunities of sovereignty, representing only one landowner. There are company towns everywhere, many of them in British Columbia, with essentially one owner. I have never ceased being mystified at the frame of mind among certain Washington or Ottawa liberals who believe there is something socially wholesome about taxing the payrolls of poor working stiff to share revenues with the owners of these company towns.

Federal authorities in Canada and the United States could both limit the local use of kinds of taxes that tend to repel population, thus forcing greater reliance on promotional taxes. Under the British North America Act provinces are theoretically limited to the use of "direct" taxes, which could, if Ottawa wished, be construed very narrowly to keep the provinces out of taxation of sales or for that matter, the taxation of anything except land, because the tax on land is the only tax, which, so far as I am aware, can never be shifted, and therefore which deserves to be called "direct."

### *Environmental Aspects*

The nature of the solution is dictated by the nature of the problem and consists of at least six measures. First and most obvious, is direct action against polluters and noise makers of various kinds. Second, is a reduction in the technological multiplier of personal offensiveness. This may be achieved by a combination of taxation, direct controls and outright prohibition of technological apparatus whose external offensiveness is large relative to its possible value to the owner. I never cease to find it incredible, for example, that communities should allow irresponsible children to possess mini-bikes and that it should require the intervention of a policeman to stop them from issuing loud noises that may disturb the peace for several blocks around. Third is a general increase in the equality of personal behavior and considerateness. Fourth is a decline in the incentives for ownership of personal consumption capital. I do not mean that we should impoverish ourselves. I refer to the bias in the tax system, whereby capital devoted to the service of others earns money income which is taxed while capital devoted to personal use yields imputed income which is tax free. Fifth would be a decline in the amount of public space which is made available to polluters. Sixth and last, would be a decline in the ability of the leaders of society, the people with the real clout, to escape from pollution. What happens now of course, is that people who have made it go off to or beyond the suburbs and surround themselves with lots of space to escape from pollution. This is part of the whole pattern of locational segregation which I have been criticizing. Anything which weakens the ability of social leaders to escape from the problems which they create will, of course, increase their incentive to solve those problems for everyone.

### *Suburbanization and Balkanization*

The orthodox "good guy" solution to this problem is to expand urban jurisdictions into metropolitan jurisdictions. I do not favor this myself, because I think metropolitan settlement has already proliferated over four or five times as much land as would be economically desirable for the number or people involved. And the metropolitan jurisdiction would undoubtedly be a vehicle for strength-

ening the cross-subsidization of the low density neighborhoods by the high density neighborhoods, the economic institution which created half the problem in the first place. The solution is rather for the remains of the central city to pull itself together and adopt growth-oriented renewal policies which would cause it to suck in most of the proliferating demand and become a city once again.

### *Cross-Subsidization*

Many seers have pronounced it hopeless to set up a rate structure that was anything but uniform over wide areas. They are mistaken. We already have declining block rate structures and the current movement towards inverted rate structures is a practical step in the direction of encouraging smaller customers, and smaller customers characteristically live at higher density. A more direct approach is taken by utilities in California and the U.S. Pacific Northwest. Zonal rates provide higher electric rates for areas of lower density. Pacific Gas and Electric is the leading example, since it has five zonal rates for its service which ranges from

very rural, less than ten customers per mile of distribution line, to the high density area of Oakland and San Francisco with over 200 customers per line mile. What is needed is a reinforcement and extension of this good example.

At the same time of course, we need pressure towards "positive containment". Scattered settlement is often blamed on people who choose to locate far out and surely enough, they share the blame. Equally responsible, however, are people who own land near in but fail to develop it intensively. Their role is normally overlooked. What is needed is the positive pressure of a stiff land tax based on the value of centrally located lands to encourage intensive central development in a positive way.

Just how we get from here to there in every detail is beyond the scope of a short paper. I have tried however to indicate that these are not far out and unthinkable proposals, but merely extensions and applications of practices already being observed in some places. Thus remedial policy may be fundamental and effective without being revolutionary or catastrophic.